

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

APR -7 2021

**ROGER FOUNTAIN,
Plaintiff,**

vs.

**CHRISTIAN VIVEIROS AND CMAC
ROOFING LLC,
Defendants.**

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CIVIL ACTION NO.

Nathan Ochsner, Clerk of Court

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendants, Christian Viveiros and CMAC Roofing LLC, by their undersigned attorney, respectfully show this Court:

2. On March 8, 2021, Cause No. 217100061783 was commenced against Defendants in the Justice Court, Harris County, Texas Pct 7, Place 1. Defendants were served with Plaintiff's Original Petition in the above-entitled action.

3. As of the date of this filing, no pleadings have been filed in the state court action other than the Plaintiff's petition. Copies of all process, pleadings and orders served upon Defendants in the above-entitled action are attached hereto as Exhibit 1, and filed herewith.

4. In his Petition, Plaintiff alleges that Defendants violated federal statutes, specifically by making phone calls in violation of the Fair Debt Collection Practices Act, a federal statute found at 15 U.S.C. §1692. Accordingly, Plaintiff asserts a federal question under 28 U.S.C. § 1331, therefore, this case is removable under 28 U.S.C. § 1441(a).

5. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1331, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(b).

6. This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over all non-removable causes of action contained in Plaintiff's Petition because such causes of action are so related to the removable claims that they form part of the same case or controversy. Alternatively, this Court has jurisdiction over any non-removable claims pursuant to 28 U.S.C. § 1441(c).

7. This notice is filed with this Court within 30 days after service on Defendants of Plaintiff's Original Petition in the above-entitled action.

WHEREFORE, Defendants pray that the above-entitled action be removed from the Justice Court of Harris County, Texas to this Court.

Respectfully submitted,

By: /s/ Donna R. Hernandez
Donna R. Hernandez
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Attorney for Defendants
Christian Viveiros and CMAC Roofing LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2021, a true and correct copy of Notice of Removal was served to each person listed below by the method indicated.

Roger Fountain rcfountain@live.com

/s/ Donna R. Hernandez

Donna R. Hernandez